

HOUSE BILL No. 1096

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-7-2; IC 16-31-11; IC 34-30-2-70.3.

Synopsis: Defibrillators at physical fitness facilities. Requires the owner or operator of a physical fitness facility to have an automated external defibrillator and to meet certain requirements concerning medical emergencies and the use of the defibrillator located on the physical fitness facility's premises. Requires enforcement of the requirements by the state department of health. Provides immunity from liability for acts or omissions involving the use of defibrillators in physical fitness facilities.

Effective: July 1, 2007.

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January 8, 2007, read first time and referred to Committee on Public Health.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1096

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-7-2-58.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2007]: **Sec. 58.5. "Defibrillator" has the meaning set forth in**
4 **IC 16-31-11-1.**

5 SECTION 2. IC 12-7-2-137.8 IS ADDED TO THE INDIANA
6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2007]: **Sec. 137.8. "Physical fitness facility"**
8 **has the meaning set forth in IC 16-31-11-2.**

9 SECTION 3. IC 16-31-11 IS ADDED TO THE INDIANA CODE
10 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2007]:

12 **Chapter 11. Automated External Defibrillators in Physical**
13 **Fitness Facilities**

14 **Sec. 1. As used in this chapter, "defibrillator" means an**
15 **automated external defibrillator.**

16 **Sec. 2. (a) As used in this chapter, "physical fitness facility"**
17 **means an indoor establishment that:**



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(1) is:

(A) owned or operated by a:

(i) local governmental unit; or

(ii) public or private elementary or secondary school, college, university, or technical or trade school; or

(B) not described in clause (A) and:

(i) is public or privately owned or operated; and

(ii) provides services or facilities that are focused primarily on cardiovascular exertion, as defined by the state department in rules adopted under IC 4-22-2;

(2) is supervised by at least one (1) employee, other than a maintenance or security employee, who is employed for the purpose of directly supervising the physical fitness activities of individuals at the indoor establishment or at an outdoor facility that is located adjacent to the indoor establishment; and

(3) serves at least one hundred (100) individuals.

(b) The term does not include a facility that is located:

(1) outdoors; or

(2) in a hospital, hotel, or motel.

Sec. 3. A person that owns or operates a physical fitness facility shall do the following:

(1) Develop, implement, and file with the state department a written medical emergency response plan for medical emergencies that occur at the physical fitness facility when the physical fitness facility is open for business.

(2) Update and file with the state department the plan described in subdivision (1) as structural or service changes occur in the physical fitness facility that materially affect the facility's ability to respond to medical emergencies.

(3) Ensure that a defibrillator is located on the physical fitness facility premises in compliance with rules adopted by the state department concerning the number of defibrillators necessary, based on the following:

(A) The size of the area and number of floors or buildings occupied by the facility.

(B) The number of individuals that use the facility, excluding spectators.

(4) Ensure that there is at least one (1) employee who has satisfactorily completed a course approved by the state department in basic first aid, cardiopulmonary resuscitation, and defibrillator use on the physical fitness facility's premises

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during business hours.

(5) Ensure compliance with the requirements of IC 16-31-6.5, including coordination with local emergency medical service providers and proper testing and maintenance of each defibrillator located on the physical fitness facility's premises.

Sec. 4. (a) The state department shall inspect a physical fitness facility at any time according to rules adopted by the state department and in response to a complaint filed with the state department alleging noncompliance with this chapter.

(b) After notice and hearing under IC 4-21.5, if the state department finds that a physical fitness facility has violated this chapter, the state department may:

(1) issue a written warning for an initial violation; or

(2) assess a civil penalty of:

(A) at least one thousand five hundred dollars (\$1,500) and less than two thousand dollars (\$2,000) for a second violation; or

(B) at least two thousand dollars (\$2,000) for a third or subsequent violation.

Sec. 5. A person is immune from civil liability for acts or omissions involving a defibrillator located on the premises of a physical fitness facility under this chapter as provided under IC 34-30-12-1.

Sec. 6. The state department may adopt rules under IC 4-22-2 to implement this chapter.

SECTION 4. IC 34-30-2-70.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 70.3. IC 16-31-11-5 (Concerning acts or omissions in gratuitously rendering emergency care involving the use of automated external defibrillators in physical fitness facilities).

SECTION 5. [EFFECTIVE JULY 1, 2007] (a) IC 16-31-11, as added by this act, applies to a physical fitness facility after December 31, 2007.

(b) This SECTION expires December 31, 2009.

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